

# Rules of

## Department of Social Services

### Division 40—Division of Family Services

### Chapter 61—Licensing Rules For Family Day Care Homes

Title	Page
13 CSR 40-61.010 Definitions (Moved to 19 CSR 40-61.010) .....	3
13 CSR 40-61.015 Exemption of Day Care Facilities (Moved to 19 CSR 40-61.015) .....	3
13 CSR 40-61.020 Initial Licensing Information (Rescinded October 31, 1991) .....	3
13 CSR 40-61.025 Organization and Administration (Moved to 19 CSR 40-61.025) .....	3
13 CSR 40-61.030 Hearings and Judicial Review (Rescinded August 31, 1982) .....	3
13 CSR 40-61.031 Licensing Renewal Information (Rescinded October 31, 1991) .....	3
13 CSR 40-61.035 Exemption of Religious Child Care Facilities (Rescinded October 31, 1991) .....	3
13 CSR 40-61.040 Day Care Licensing Review Board (Rescinded October 31, 1991) .....	3
13 CSR 40-61.045 Initial Licensing Information (Moved to 19 CSR 40-61.045) .....	3
13 CSR 40-61.050 Hearings and Judicial Review (Rescinded October 31, 1991) .....	3
13 CSR 40-61.055 Licensing Renewal (Moved to 19 CSR 40-61.055) .....	3
13 CSR 40-61.060 Organization and Administration (Rescinded October 31, 1991) .....	3
13 CSR 40-61.065 Child Care Licensing Review Board .....	3
13 CSR 40-61.070 Physical Requirements of the Home (Rescinded October 31, 1991) .....	4
13 CSR 40-61.075 Hearings and Judicial Review .....	4
13 CSR 40-61.080 Furniture, Equipment and Materials (Rescinded October 31, 1991) .....	4
13 CSR 40-61.085 Physical Requirements of the Family Day Care Home (Moved to 19 CSR 40-61.085) .....	4
13 CSR 40-61.090 The Day Care Provider and Other Day Care Personnel (Rescinded October 31, 1991) .....	4
13 CSR 40-61.095 Furniture, Equipment and Materials (Moved to 19 CSR 40-61.095) .....	4

<b>13 CSR 40-61.100</b>	Day Care Family and Household (Rescinded October 31, 1991).....	4
<b>13 CSR 40-61.105</b>	The Day Care Provider and Other Day Care Personnel (Moved to 19 CSR 40-61.105) .....	4
<b>13 CSR 40-61.110</b>	Medical Examination Reports (Rescinded October 31, 1991) .....	4
<b>13 CSR 40-61.115</b>	Day Care Family and Household (Moved to 19 CSR 40-61.115) .....	4
<b>13 CSR 40-61.120</b>	Admission Policies and Procedures (Rescinded October 31, 1991) .....	4
<b>13 CSR 40-61.125</b>	Medical Examination Reports (Moved to 19 CSR 40-61.125) .....	4
<b>13 CSR 40-61.130</b>	Evening and Nighttime Care (Rescinded October 31, 1991) .....	4
<b>13 CSR 40-61.135</b>	Admission Policies and Procedures (Moved to 19 CSR 40-61.135) .....	4
<b>13 CSR 40-61.140</b>	Overlap Care of Children (Rescinded October 31, 1991).....	4
<b>13 CSR 40-61.145</b>	Nighttime Care (Moved to 19 CSR 40-61.145) .....	4
<b>13 CSR 40-61.150</b>	Emergency School Closings (Rescinded October 31, 1991).....	4
<b>13 CSR 40-61.155</b>	Overlap Care of Children (Moved to 19 CSR 40-61.155) .....	4
<b>13 CSR 40-61.160</b>	Daily Activities and Care of the Child (Rescinded October 31, 1991) .....	4
<b>13 CSR 40-61.165</b>	Emergency School Closing (Moved to 19 CSR 40-61.165) .....	5
<b>13 CSR 40-61.170</b>	Nutrition and Food Service (Rescinded October 31, 1991) .....	5
<b>13 CSR 40-61.175</b>	Child Care Program (Moved to 19 CSR 40-61.175) .....	5
<b>13 CSR 40-61.180</b>	Records and Reports (Rescinded October 31, 1991).....	5
<b>13 CSR 40-61.185</b>	Health Care (Moved to 19 CSR 40-61.185) .....	5
<b>13 CSR 40-61.190</b>	Nutrition and Food Service (Moved to 19 CSR 40-61.190).....	5
<b>13 CSR 40-61.200</b>	Transportation and Field Trips (Moved to 19 CSR 40-61.200) .....	5
<b>13 CSR 40-61.210</b>	Records and Reports (Moved to 19 CSR 40-61.210) .....	5

## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 40—Division of Family Services Chapter 61—Licensing Rules for Family Day Care Homes

#### 13 CSR 40-61.010 Definitions (Moved to 19 CSR 40-61.010)

#### 13 CSR 40-61.015 Exemption of Day Care Facilities (Moved to 19 CSR 40-61.015)

#### 13 CSR 40-61.020 Initial Licensing Infor- mation (Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed July 6, 1976, effective Oct. 11, 1976. Amended: Filed Dec. 6, 1978, effective March 11, 1979. Rescinded: Filed April 13, 1982, effective Aug. 31, 1982. Readopted: Filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

#### 13 CSR 40-61.025 Organization and Ad- ministration (Moved to 19 CSR 40-61.025)

#### 13 CSR 40-61.030 Hearings and Judicial Review (Rescinded August 31, 1982)

*AUTHORITY: section 210.221, RSMo 1978. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Rescinded: Filed April 13, 1982, effective Aug. 31, 1982.*

#### 13 CSR 40-61.031 Licensing Renewal In- formation (Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

#### 13 CSR 40-61.035 Exemption of Religious Child Care Facilities (Rescinded October 31, 1991)

*AUTHORITY: sections 210.211, 210.221, 210.486 and 210.506, RSMo 1986. Original*

*rule filed Oct. 7, 1987, effective March 25, 1988. Rescinded: Filed March 20, 1991, effective Oct. 31, 1991.*

#### 13 CSR 40-61.040 Day Care Licensing Re- view Board (Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Amended: Filed April 2, 1986, effective July 26, 1986. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

#### 13 CSR 40-61.045 Initial Licensing Infor- mation (Moved to 19 CSR 40-61.045)

#### 13 CSR 40-61.050 Hearings and Judicial Review (Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

#### 13 CSR 40-61.055 License Renewal (Moved to 19 CSR 40-61.055)

#### 13 CSR 40-61.060 Organization and Ad- ministration (Rescinded October 31, 1991)

*AUTHORITY: section 210.211, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991.*

#### 13 CSR 40-61.065 Child Care Licensing Review Board

*PURPOSE: This rule defines the composition and duties of the Child Care Licensing Review Board.*

(1) The director shall appoint a citizen review board which shall have the following duties:

(A) Provide an impartial review of the child care licensing staff's recommendation(s) to deny or revoke the license of a family day care home;

(B) Review repeated incidents of noncompliance or failure to correct noted problem areas as determined necessary by the division;

(C) Review any other issues as determined necessary by the division; and

(D) Submit its recommendation to the director prior to the director's decision to deny or revoke a license or take other adverse action(s).

(2) If circumstances require immediate action for the protection of children in care, the director may take immediate action and the review board shall be advised of the action at its next meeting.

(3) Review board members shall be appointed by the director as authorized by section 207.020(11), RSMo from a list submitted by the Child Care Licensing Unit.

(4) The review board shall be composed of seven (7) regular members and two (2) alternate members whose occupations or backgrounds represent some of the following areas: parent of a child in a licensed day care facility, pediatrician or pediatric nurse practitioner, nutritionist, child development/education specialist, child psychologist, social worker, sanitarian and member of the general public.

(5) Review board members shall be appointed for a term of three (3) years. No review board member shall serve more than two (2) consecutive terms.

(6) A vacancy arising during the term of any member shall be filled as indicated for initial appointment.

(7) Members of the review board shall serve without compensation, but each shall be entitled to reimbursement for expenses for necessary meals, lodging and mileage to attend board meetings. Reimbursement shall be payable from funds appropriated to the division.

(8) The members of the review board shall elect a member of the board to preside over the meetings who shall serve as chairperson for a one (1)-year term.

(9) A quorum at any review board meeting shall be four (4).

(10) The review board and the division shall prepare an annual report to include nonidentifying information on cases reviewed and the dispositions of the cases.

(11) The Child Care Licensing Unit shall provide technical assistance to the review board as required.



*AUTHORITY: section 210.221, RSMo Supp. 1987. This rule was previously filed as 13 CSR 40-61.040. Original rule filed March 29, 1991, effective Oct. 31, 1991.*

*\*Original authority: 210.221, RSMo 1949, amended 1955, 1987.*

**13 CSR 40-61.070 Physical Requirements of the Home**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Amended: Filed Nov. 12, 1982, effective Feb. 11, 1983. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.075 Hearings and Judicial Review**

*PURPOSE: This rule defines the provisions for a hearing and judicial review if a person disagrees with the division's decision.*

(1) Any person aggrieved by a final decision of the Child Care Licensing Unit made with regard to the granting of a license, suspension of a license, license revocation or license denial shall be entitled to a hearing and review by the director or his/her designee.

(2) Before a revocation or denial becomes effective, the division shall issue a ten (10)-day notice specifying the reason(s) for the proposed revocation or denial. If a written or verbal request for hearing is received within the ten (10)-day period, revocation or denial shall not occur until the hearing is conducted and the decision of the director or his/her designee is issued.

(3) Any person wishing to appeal the administrative decision of the division shall be entitled to judicial review of the decision provided in Chapter 536, RSMo.

*AUTHORITY: section 210.221, RSMo 1987.\* This rule was previously filed as 13 CSR 40-61.050. Original rule filed March 29, 1991, effective Oct. 31, 1991.*

*\*Original authority: 210.221, RSMo 1949, amended 1955, 1987.*

**13 CSR 40-61.080 Furniture, Equipment and Materials**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Amended: Filed Nov. 12, 1982, effective Feb. 11, 1983. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.085 Physical Requirements of the Family Day Care Home**  
(Moved to 19 CSR 40-61.085)

**13 CSR 40-61.090 The Day Care Provider and Other Day Care Personnel**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.095 Furniture, Equipment and Materials**  
(Moved to 19 CSR 40-61.095)

**13 CSR 40-61.100 Day Care Family and Household**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.211, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Amended: Filed April 2, 1986, effective July 26, 1986. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.105 The Day Care Provider and Other Day Care Personnel**  
(Moved to 19 CSR 40-61.105)

**13 CSR 40-61.110 Medical Examination Reports**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Amended: Filed Nov. 12, 1982, effective Feb. 11, 1983. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.115 Day Care Family and Household**  
(Moved to 19 CSR 40-61.115)

**13 CSR 40-61.120 Admission Policies and Procedures**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.125 Medical Examination Reports**  
(Moved to 19 CSR 40-61.125)

**13 CSR 40-61.130 Evening and Nighttime Care**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.135 Admission Policies and Procedures**  
(Moved to 19 CSR 40-61.135)

**13 CSR 40-61.140 Overlap Care of Children**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.145 Nighttime Care**  
(Moved to 19 CSR 40-61.145)

**13 CSR 40-61.150 Emergency School Closings**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986. Original rule filed April 13, 1982, effective Sept. 1, 1982. Rescinded: Filed March 29, 1991, effective Oct. 31, 1991.*

**13 CSR 40-61.155 Overlap Care of Children**  
(Moved to 19 CSR 40-61.155)

**13 CSR 40-61.160 Daily Activities and Care of the Child**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986.  
Original rule filed April 13, 1982, effective  
Sept. 1, 1982. Rescinded: Filed March 29,  
1991, effective Oct. 31, 1991.*

**13 CSR 40-61.165 Emergency School Clos-  
ings**  
(Moved to 19 CSR 40-61.165)

**13 CSR 40-61.170 Nutrition and Food  
Service**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986.  
Original rule filed April 13, 1982, effective  
Sept. 1, 1982. Rescinded: Filed March 29,  
1991, effective Oct. 31, 1991.*

**13 CSR 40-61.175 Child Care Program**  
(Moved to 19 CSR 40-61.175)

**13 CSR 40-61.180 Records and Reports**  
(Rescinded October 31, 1991)

*AUTHORITY: section 210.221, RSMo 1986.  
Original rule filed April 13, 1982, effective  
Sept. 1, 1982. Rescinded: Filed March 29,  
1991, effective Oct. 31, 1991.*

**13 CSR 40-61.185 Health Care**  
(Moved to 19 CSR 40-61.185)

**13 CSR 40-61.190 Nutrition and Food  
Service**  
(Moved to 19 CSR 40-61.190)

**13 CSR 40-61.200 Transportation and  
Field Trips**  
(Moved to 19 CSR 40-61.200)

**13 CSR 40-61.210 Records and Reports**  
(Moved to 19 CSR 40-61.210)